

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 85</p> <p>1 probably started sometime in 1988, is that 2 correct? 3 A Yes. 4 Q Looks like? Can we tell what 5 degree she had from this application? 6 A Masters degree in education. 7 Masters degree in special education. 8 Q Did you play any role in hiring 9 Mickey back in 1988? 10 A No. 11 Q Is that because she was working 12 at the Brewer Center? 13 A Right. We were in different 14 areas at the time. 15 Q Let's look at the fourth page. 16 Have you seen that document before? 17 A April of 2004, no. 18 Q You were still there at that 19 time, correct? 20 A I think I left. I can't 21 remember, May or August of '04 is when I 22 left. 23 Q I thought you said August</p>	<p style="text-align: right;">Page 87</p> <p>1 Henry Ervin from you saying Mickey was going 2 to start beginning March 6th, 2004? 3 A Yes. Okay. 4 Q But then by April 17th, she was 5 promoted to the Planning and Quality 6 Assurance specialist II position, correct? 7 A Yes. That's what the other 8 letter says. 9 Q Did she work at the CSS III 10 position for this month or this six week 11 period, that you're aware of? 12 A I honestly don't know. With the 13 confusion of those particular times and all 14 the movement of personnel one place and 15 another. I know she started doing some 16 things from that office to help us, but I 17 really couldn't tell you. And what this 18 would also do is tell you that would be the 19 date she went on the payroll in Community 20 Service, on March 6th. 21 Q Did you play any role in her 22 promotion from CSS III to I'm going to call 23 it PQA II in 2004? You weren't on the</p>
<p style="text-align: right;">Page 86</p> <p>1 earlier. 2 A Yeah. And I think that's true. 3 And I think that's true, but I'm not a 4 hundred percent sure. 5 Q This document is -- appears to be 6 a letter from Henry Ervin letting Mickey 7 Groggel know she's been appointed to a 8 Planning and Quality Assurance Specialist II 9 position effective April 17th, 2004, 10 correct? 11 A Yes, that's what it says. 12 Q And from what we know about 13 Mickey earlier, we know she was given the 14 CSS III position back in late '03 and they 15 did -- she wasn't going to start that 16 position until March of '04, correct? I'm 17 going back. 18 A Find the thing. No, that's the 19 announcement letter. 20 MS. TARVER: Let him look at it. 21 A You find what you want. 22 Q Okay. Here we go. From 23 Plaintiff's Exhibit 13, this was a letter to</p>	<p style="text-align: right;">Page 88</p> <p>1 interview panel? 2 A No. 3 Q Did you have any discussions with 4 anybody about that promotion? 5 A I don't remember, and I'm not 6 even sure that's a promotion. You know, 7 everybody was applying for everything they 8 could apply for back in those days. The 9 list of names you see there that applied for 10 that III position, you would probably see 11 that same list on numerous position openings 12 at that time, because all those people were 13 facing unemployment. 14 Q So you think a lot of people 15 probably applied for that a Quality 16 Assurance position? 17 A I'm just saying everybody applied 18 for everything they could at that time. 19 Q Would it surprise you if I told 20 you the records show that the only two 21 people that applied for the Planning and 22 Quality Assurance II position were Mickey 23 Groggel and Winifred Blackledge in 2004?</p>

22 (Pages 85 to 88)

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FREEDOM COURT REPORTING

Page 129

1 are open at this time, it may not be open,
2 because a lot of times what happens is when
3 -- positions disappear. You can create
4 something over here and you have to give up
5 something in order to get it, because you've
6 got a finite number of positions within your
7 budget that you can have. So the fact -- so
8 a position can be left vacant, and then it's
9 taken off the board like it just didn't
10 exist anymore.

11 Now, I don't know if that happened in
12 this particular case. I don't remember.
13 But that would not be an unusual thing for a
14 position to be vacated and eliminated at the
15 same time.

16 **Q That's not unusual?**

17 **A** Not unusual.

18 **Q Not unusual for positions to just
19 disappear?**

20 **A** In the scenario that we had going
21 on, at that time, with all of the
22 restaffing, rebudgeting, closure of
23 facilities, and so on, it would not have

Page 130

1 been unusual for a position to be taken out
2 of the mix, just taken out of the budget.

3 **Q So --**

4 **A** I don't know if that happened but
5 that could happen.

6 **Q Okay. So a position that you
7 spent approximately a year to try to open
8 this CSS III position, approximately a year,
9 sometime late '02 until it was -- until
10 Ms. Groggel received the position in late
11 '03, that position could just disappear
12 after two months?**

13 **A** It could have been pulled, it
14 could have been transferred to another part
15 of the state that needed it, it could have
16 been unbudgeted. A number of things can
17 happen to a vacant position to cause it to
18 exist. I don't know if that happened, but
19 that -- that is not unusual for that to
20 happen.

21 **Q And if that's the case, when a
22 position just disappears, do you try to find
23 another position for that employee?**

Page 131

1 **A** The positions are not usually for
2 an employee, it's for a function. In other
3 words, it's like -- let me give you an
4 example. We were talking about the
5 reallocation to try to get Winifred
6 reclassified, if that had happened, whatever
7 she went from would have ceased to exist.
8 You would lose a position by doing that.

9 So positions, you know, can be utilized
10 different places for different things and
11 moved around the state. So I, personally,
12 don't recall what happened to that CSS III
13 position.

14 **Q Do you recall anybody being in
15 that CSS III position after it was vacated
16 by Ms. Groggel?**

17 **A** I don't.

18 **Q Did you try to help Ms. Groggel
19 get another position sometime around this
20 time period in April or early 2004?**

21 **A** Ms. Groggel?

22 **Q Yes.**

23 **A** I don't remember doing that, but

Page 132

1 I remember actually trying to help every one
2 of those people on that list find something.

3 (Whereupon Plaintiff's
4 Exhibit Number 23 was marked and
5 attached to the deposition.)

6 **Q And this is Plaintiff's Exhibit
7 23, Defendant's Exhibit 7 from yesterday,
8 Bates stamped 1491. I'm just trying to get
9 some type of day order here. This is
10 April 15th, 2004, an interview assessment
11 for a Planning and Quality Assurance
12 Specialist II position. There were two
13 applicants: Ms. Groggel and Ms. Blackledge.
14 Do you remember that position being opened
15 at this time period?**

16 **MS. TARVER:** Object to the form.

17 **A** I honestly -- I truly don't
18 remember it.

19 (Whereupon Plaintiff's
20 Exhibit Number 24 was marked and
21 attached to the deposition.)

22 **BY MR. WILSON**

23 **Q This was Plaintiff's Exhibit 8**

33 (Pages 129 to 132)

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